

May 22, 2017

BY ECF

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

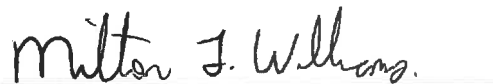
Re: *USA v. Percoco et al.*, Index No. 16-CR-776

Dear Justice Caproni,

On Friday, May 19th, 2017, I filed, on behalf of Defendants Joseph Gerardi and Steven Aiello: (1) a Notice of Motion for Dismissal for Prosecutorial Misconduct, Severance, and for a Bill of Particulars (2) a Memorandum of Law in Support of Defendants Gerardi and Aiello's Joint Motion and (3) a Declaration in Support of Defendants Gerardi and Aiello's Joint Motion and corresponding Exhibits A-P, in the above-referenced case. When we filed the motion papers on May 19th via ECF, the papers were assigned docket numbers 183 and 218. However, because of an inadvertent filing error, the Memorandum of Law and Declaration in Support of the Motion were attached as exhibits to the Notice of Motion (Dkt. No. 183), rather than filed separately, and ECF directed us this morning to refile these two supporting documents separately. This morning we have refiled (1) the Notice of Motion (2) the Memorandum of Law in Support of Defendants Gerardi and Aiello's Joint Motion and (3) the Declaration in Support of Defendants Gerardi and Aiello's Joint Motion and corresponding Exhibits A-P. They have been assigned docket numbers 236, 237, 238, respectively. This morning, we confirmed with the ECF help-desk that the new categorization of the papers on the docket conforms to their standards.

I am writing to ensure that the motions that were filed on Friday May 19, 2017, and refiled today, are deemed timely with the Court. Please let me know if the Court has any questions.

Respectfully submitted,



Milton L. Williams
Attorney for Defendant Joseph Gerardi

cc (via ECF): AUSA Janis Echenberg
AUSA Robert Boone
AUSA David Zhou
AUSA Matthew Podolsky

Andrew Gladstein
Barry Bohrer
Michael Yaeger
Abigail Coster
Jeffrey Novack
Michael Miller
David Hirsch
Katherine Dubyak
Daniel Gitner
Jun Xiang
Samantha Reitz
Stephen Coffey
Scott Iseman
Daniel Oliverio
Jessica Masella
John Hillebrecht
Timothy Hoover
Herbert Greenman
Terrence Connors
James Grable, Jr.
Nicholas Romano